REMARKS

Reconsideration and allowance are requested.

The Examiner maintains the Jaggar rejection arguing a "broadest reasonable interpretation" of the claim phrase "common storage order compensated encoding." Although the Examiner's interpretation is certainly broad, Applicant does not agree it is reasonable when interpreted by one of ordinary skill in the art in light of the specification. "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (*en banc*). It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the "ordinary" and the "customary" meaning of the terms in the claims. *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338 (Fed. Cir. 2003). "Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment." *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004).

The Examiner interprets the claim phrase "common storage order compensated encoding" as being satisfied with any similarity in stored bits in the instruction sets such as being stored in the same Endian format. The word common is interpreted as the two instruction sets have just one bit in common. But the claim phrase is explained more specifically than this in the specification. Page 3, lines 2-6 state: "The invention recognises that by arranging the encoding

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of the instruction sets such that a common subset share the same encoding (*at least after any variations due to storage order, e.g endianness, have been compensated*), then such systems can be advantageously simplified in their implementation and other aspects of their operation improved." The first two paragraphs of page 11 which discuss Figures 4-6 are also consistent with the meaning the specification intends for the claim phrase. See for example lines 20-25: "Comparing the two sides, the Thumb instruction consists of the same bytes as the ARM instruction, but in a different storage order: the bytes at addresses A and A+2 are swapped over relative to each other, as are the bytes at addresses A+1 and A+3. It will be appreciated that the same difference in storage order will exist for all of the unconditional coprocessor instructions, regardless of the precise instruction type." Page 13, starting at line 30 states: "The use of a common storage order compensated encoding for the unconditional coprocessor instructions in the ARM and enhanced Thumb instruction sets has considerable advantages for both forms of the instruction decoders 12 compared with the use of different encodings in each instruction set, in terms of reducing the amount of logic required and the amount of power consumed."[1]

To emphasize the intended meaning of this claim phrase, the independent claims have been amended to recite: "a subset of program instructions of said first instruction set having a common storage order compensated encoding with a subset of program instructions of said second instruction set *such that, after compensating for storage order differences, all bits are identical* and forming a common subset of instructions." This amendment is consistent with the

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[1] Of course, the claims are not limited to the specific implementation details of the sections of the specification referred to in this response. They have been included simply to show the meaning of the claim phrase "common storage order compensated encoding" as understood by one of ordinary skill in the art and as supported in the specification would not be the meaning ascribed by the Examiner.

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meaning intended by the original claim language and described in the specification, and

therefore, does not raise any new issues. For the reasons, articulated in the prior response, Jaggar

does not describe the claimed encoding. Because no new issues are raised and because the prior

art rejection is clearly overcome, the amendment should be entered.

  The application is in condition for allowance. An early notice to that effect is

respectfully requested.

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Respectfully submitted,

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